**S.B. CIVIL WRIT PETITION NO. 523/1995**

Om Sharan Singh Vs. State of Rajasthan & Ors.

DATE OF ORDER :: 22.3.2007

**HON'BLE MR. GOVIND MATHUR, J.**

Mr. Hemant Dutt, for the petitioner.
Mr. Shyam Ladrecha, Addl. Govt. Advocate.

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By this petition for writ a challenge is given to the order dated 26.10.1994 passed by the Assistant Collector cum Executive Magistrate, Sujangarh cancelling the certificate dated 9.5.1994 certifying the petitioner as bonafide resident of Rajasthan.

The contention of counsel for the petitioner is that the respondents cancelled the bonafide certificate illegally and without assigning any reason. This Court while admitting the writ petition by the order dated 20.2.1995 stayed operation of the order dated 26.10.1994 and further directed to the respondents that the candidature of the petitioner shall be considered for the purpose of appointment ignoring the fact that the certificate declaring the petitioner a bonafide resident of the State of Rajasthan was cancelled. It is stated by learned

counsel for the petitioner that the candidature of the petitioner was considered by competent selection committee for the purpose of appointment as Teacher and as a consequent to his selection appointment was accorded to him by an order dated 4.7.1995 though that was subject to final decision of present writ petition. During pendency of this petition for writ by the order dated 24.7.1998 the respondents have confirmed the petitioner in service as Teacher.

Looking to the admitted position that the certificate declaring the petitioner bonafide resident was cancelled without issuing any notice to him to do so and that the petitioner is in employment of the respondent since 1995, I consider it appropriate to quash the order impugned dated 26.10.1995.

Accordingly, this petition for writ is allowed. The order dated 26.10.1994 passed by the Assistant Collector cum Executive Magistrate, Sujangarh is quashed. The appointment of the petitioner under the order dated 4.7.1995 passed by the Development Officer, Panchayat Samiti – Sujangarh, Distt. Churu is made absolute. No order as to cost.

**(GOVIND MATHUR),J.**

J.Goyal